



FirstBrief

Breaking News from NAREIT On All Things REIT™

2009 NAREIT Events

September 21-22

**Senior Financial Officers/
Investor Relations Officers
Workshop***

New York Marriott
Downtown
New York, NY

November 11-13

**REITWorld 2009:
NAREIT's Annual Convention
for All Things REIT**

JW Marriott Desert Ridge
Phoenix, AZ

(*invitation only)

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Treasury Provides CMBS Workouts an Assist

The U.S. Internal Revenue Service today published guidance acknowledging that the crisis in the credit markets requires flexibility in renegotiating commercial mortgages that have been securitized through real estate mortgage investment conduits (REMICs). Most commercial mortgage backed securities (CMBS) are structured as REMICs.

Revenue Procedure 2009-45 provides guidance on the conditions under which at-risk commercial mortgage loans that have been packaged into REMICs can be modified without changing the tax status of the REMICs or triggering “prohibited transactions.” Significantly, the guidance specifies there is no maximum length of time before maturity of the loans during which parties can negotiate a mortgage modification.

The guidance applies to loan modifications made on or after January 1, 2008. NAREIT, The Real Estate Roundtable and other real estate organizations advocated for the new guidance.

For more information, please [click here](#).

Separately, the IRS issued Notice 2009-79 soliciting comments on the issue of whether investment trusts should be permitted to modify commercial mortgage loans to the same extent that REMICs can modify them.

For more information, please [click here](#).

The National Association of Real Estate Investment Trusts® (NAREIT) is the worldwide representative voice for REITs and publicly traded real estate companies with an interest in U.S. real estate and capital markets. NAREIT's members are REITs and other businesses throughout the world that own, operate and finance income-producing real estate, as well as those firms and individuals who advise, study and service those businesses.